

## **II. REMARKS/ARGUMENTS**

### **A. Status of the Claims**

Claims 1-16 were pending at the time of the Office Action. In order to distinguish the present invention more clearly from the prior art, claims 1, 3, 4, 6, 7, 9, 11, 12, and 15 have been amended herein. No claims have been canceled or added. In the following discussion, the scope and wording of the amended claims is referred to.

### **B. The Rejection under 35 U.S.C. § 112, Second Paragraph, is Overcome**

The Action rejected claims 6-7, 9 and 11 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Claim 6 has been amended to make it even more clear that the second piece is being claimed. Claim 7 has been amended to make it even more clear that the decorative profile referred to is provided on the linear edges of the first casing piece which was previously described in claim 1. Claims 9 and 11 have been amended to read "said outer face" which was previously described in claim 1.

In view of the above, the rejections under 35 U.S.C. § 112, second paragraph, are overcome.

### **C. The Rejections under 35 U.S.C. § 102(b) are Overcome**

#### *1. Claims 1-15 are not Anticipated by Pugh (U.S. 888,530)*

The Action rejected claims 1-15 as being anticipated by Pugh (U.S. 888,530).

The present invention provides a decorative casing system configured to overlap the gaps between a vertical structural wall and an amenity such as a door or a window installed within a rough opening provided in the wall for that purpose. The casing system of the present invention does not require specialized equipment or skills for its installation to cover

gaps between window or door frames and walls. Furthermore, the casing system is suitable for covering the gaps between vertical structural walls and floors, and is configured to interlock with a compatible casing system installed to cover the gaps between a door frame and the wall.

Pugh describes a floor tile provided with continuously warped edges that incline inwardly then outwardly along each edge in a concave-convex pattern as best seen in Figs. 1 and 4. The pattern is repeated along all four edges with the result that each edge is a mirror image of the other edges thereby making it possible for one floor tile to be abutted against an adjacent floor tile with a tight vertical and horizontal bond provided by the repeating concave-convex edge pattern (*see*, col. 1, lines 26-28), thereby making it more difficult for the floor tiles to become separated and a hazard for people to walk on (*see*, col. 1, lines 12-25). The decorative aspect of the Pugh floor tile is provided by wavy-line junctures formed between abutting adjacent tiles (e.g., Figs. 2, 9 and 17) as compared to the prior art floor tiles which had straight edges.

There is no disclosure in Pugh of a casing system for covering the gaps between a vertical structural wall and frameworks of doors or windows installed therein. It is submitted that a person of ordinary skill in the art would not be motivated to use the floor tile of Pugh for vertical installation as a casing system for amenities installed within vertical walls. First, floor tiles are relatively thin with relatively large flat-surface dimensions that are not suitable or amenable for use as casings on vertical walls. Second, the installation of the Pugh floor tiles to cover gaps between window or door frames and vertical structural walls would require many tiles to cover the gaps between each side of the framework and the vertical wall, and thus, would require considerable skill and time for installation. Finally, Pugh does not disclose how to modify the floor tile to make it useful as a single decorative casing piece to cover a gap between vertical wall and an amenity framework.

2. *Claims 1-5, 7-8, and 10 are not Anticipated by Gascho (U.S. 4,787,185)*

The Action also rejected claims 1-5, 7-8 and 10 as being anticipated by Gascho (U.S. 4,787,185).

Gascho discloses stackable machined logs for building log structures. The logs are provided with opposing vertical side surfaces (*see*, Fig.2, items 26 and 28 which are equivalent to item 59 in Fig. 4), and aligned rippled top and bottom surfaces (*see*, Fig. 2, items 14 and 16 respectively; item 14 is equivalent to item 70 in Fig. 4). There is no disclosure in Gascho of a casing system for covering the gaps between a vertical structural wall and frameworks of doors or windows installed therein. It is submitted that a person of ordinary skill in the art would not be motivated to use the machined logs of Gascho which are configured for horizontal stacking to provide vertical structural walls, as decorative casing systems. First, the machined logs of Gascho are of considerable heft and not appropriate for installation as casing pieces to cover gaps between door or window frameworks and vertical structural walls. Second, the function of the aligned ripples in the top and bottom surfaces of the logs of Gascho is not decorative, but rather, serves to provide a very tight interlocking fit between stacked logs (col. 4, lines 8-9) so that water and wind can not enter the interior of the log structure (col. 4, lines 24-26; *see also*, Fig 3, items, 43, 44, 45, 46, and 47).

**D. The Rejection under 35 U.S.C. § 103 is Overcome**

The Action rejected claim 16 as being unpatentable over Pugh (US 888,530). According to the Action, Pugh showed all of the claimed limitations except for an instruction for assembling the parts to form a casing. Even if this is the case, which is not admitted, the disclosure of Pugh is not believed to be relevant to the claimed invention for the reasons given above. A person of ordinary skill in the art would not be motivated by the disclosure of Pugh to refer to instructions for assembling and installing floor tiles for guidance on assembly

and installation of casing pieces to cover gaps between vertical wall structures and frameworks of doors or windows installed therein.

**E. Conclusion**

In view of the above arguments and amendments to the claims, Applicant believes that the claims are in condition for allowance and such favorable action is respectfully requested.

Should the Examiner have any questions or comments, he is respectfully requested to contact Applicants' representative shown below at (512) 536-3035.

Respectfully submitted,



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